

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TORAN V. PETERSON,

Plaintiff,

Case No. 1:09-cv-225

v.

Honorable Paul L. Maloney

RICHARD JOHNSON et al.,

Defendants.

ORDER DENYING RECONSIDERATION

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On July 16, 2009, this Court issued an opinion and order (docket ##14, 15) dismissing fifteen Defendants and ordering service of the complaint on the remaining two Defendants. The matter presently is before the Court on Plaintiff's motion for reconsideration (docket #30).

Under FED. R. CIV. P. 54(b), a non-final order is subject to reconsideration at any time before entry of a final judgment. Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been mislead [sic] . . . [and] that a different disposition must result from the correction thereof." Upon review and for the reasons previously set forth, this Court finds no error, much less palpable error, in its decision dismissing the various Defendants. Plaintiff's motion for reconsideration therefore fails to demonstrate entitlement to relief under Rule 7.4(a).

Plaintiff's motion also seeks relief unrelated to reconsideration. First, he asks the Court to investigate the mailing of copies in another case filed by Plaintiff in this Court. *See*

Peterson v. Foco et al., No. 1:09-cv-233 (W.D. Mich.). Such relief is available only on proper motion filed in the appropriate case.

Second, Petitioner contends that he does not have a copy of the exhibits/appendices attached to his original complaint. Plaintiff previously has expressed the difficulties he has experienced because he was not provided a copy of his complaint by the prison before he mailed it. (*See* Pl's Mot. for Enlargement of Time, docket #8.) The Court granted Plaintiff's motion and ordered that a copy of the original complaint be mailed to Plaintiff (docket #9). The Court noted that Plaintiff did not specifically request a copy of his exhibits at that time, and the exhibits therefore were not mailed. In light of Plaintiff's representations concerning his need for a copy of the exhibits to respond to the motion for summary judgment, the Court will grant his request. Accordingly,

IT IS ORDERED that Plaintiff's motion for reconsideration (docket #30) is **DENIED IN PART AND GRANTED IN PART**. It is **DENIED** insofar as it seeks reconsideration of the Court's opinion and order issued July 16, 2009. It is **GRANTED** insofar as it seeks a copy of the exhibits attached to Plaintiff's original complaint.

IT IS FURTHER ORDERED that the Clerk shall make one copy of Plaintiff's exhibits to the original complaint and mail them to Plaintiff, together with a copy of this order.

Dated: December 15, 2009

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge